IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 26870 of 2006(W)

PETITIONER:

ABUBACKER KUNJU MUHAMMEDALI,
PUTHENVEEDU, CHIRAYINKEEZHU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.SAJEEV
SMT.S.B.JAYARESMI

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

2. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, NEDUMANGAD.

3. THE VILLAGE OFFICER,
MANICKAL VILLAGE, PIRAPPANCODE P.O.,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.26870/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER DATED 12.8.2005 IN E.P.NO.517/1985 IN O.S.NO.134/1957.

EXT.P2: TRUE COPY OF THE DELIVERY REPORT AND DELIVERY KYCHIT EXECUTED BY THE AMEEN IN E.P.NO.517/1985 IN O.S.NO.134/1957 ON THE FILE OF THE FIRST ADDL. SUB COURT, THIRUVANANTHAPURAM.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 16.8.2005 IN C.R.P.NO..847/2005 OF THIS HONOURABLE COURT.

EXT.P4: TRUE COPY OF THE JUDGMENT W.P.(C)NO.25166/2005 OF THIS HONOURABLE COURT DTED 20.10.2005.

EXT.P5: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 26870 OF 2006

DATED THIS THE 20th DAY OF JULY, 2007

JUDGMENT

The petitioner has obtained properties pursuant to decree in O.S.No.134/1957. The petitioner has applied for mutation of the properties which the petitioner has purchased in court auction. Ext.P5 is the said application. The petitioner complains that the same is not being disposed of by the 2nd respondent.

2. The learned Government pleader submits that several litigations are pending between the petitioner and another person claiming to have rights over the property and that is why the application has not been disposed of yet. I do not think that the 2nd respondent is entitled to take such a stand when the application is received for mutation. The 2nd respondent has to decide the matter on the basis of the documents available. Simply because of some suit pending in respect of the same, the 2nd respondent cannot postpone consideration of the same especially, in view of Rule 16 of the Transfer of Registry Rules which says that transfer of registry has to be effected in accordance with the decrees of Civil Courts as and when the same are passed.

In the above circumstances, the 2nd respondent is directed to consider Ext.P5 application for mutation submitted by the petitioner and pass appropriate orders thereon as expeditiously, as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd